

ENTERED

March 04, 2021

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

FIMBANK PLC,

Plaintiff,

VS.

DISCOVERY INVESTMENT CORP., *et*
al,

Defendants.

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CIVIL ACTION NO. 2:19-CV-264

ORDER ADOPTING MEMORANDUM AND RECOMMENDATION

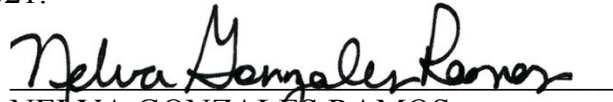
On February 3, 2021, United States Magistrate Judge Julie K. Hampton issued her Memorandum and Recommendation” (D.E. 206), recommending that a default judgment be granted against SPV Sam Eagle Inc. in personam and against the M/V Sam Eagle in rem. The parties were provided proper notice of, and opportunity to object to, the Magistrate Judge’s Memorandum and Recommendation. FED. R. CIV. P. 72(b); 28 U.S.C. § 636(b)(1); General Order No. 2002-13. No objections have been timely filed.

When no timely objection to a magistrate judge’s memorandum and recommendation is filed, the district court need only satisfy itself that there is no clear error on the face of the record and accept the magistrate judge’s memorandum and recommendation. *Guillory v. PPG Industries, Inc.*, 434 F.3d 303, 308 (5th Cir. 2005) (citing *Douglass v. United Services Auto Ass’n*, 79 F.3d 1415, 1420 (5th Cir. 1996)).

Having reviewed the findings of fact and conclusions of law set forth in the Magistrate Judge’s Memorandum and Recommendation (D.E. 206), and all other relevant documents in the record, and finding no clear error, the Court **ADOPTS** as its own the

findings and conclusions of the Magistrate Judge. Accordingly, the Court enters final judgment in favor of Credit Suisse for: (1) \$1,436,945.15 from the res in the Court's registry as reimbursement for *custodia legis* expenses; (2) the remainder of the vessel sale proceeds, plus any accrued interest, as reimbursement for the preferred ship mortgage on Credit Suisse's in rem claim; and (3) \$6,398,809.95 against SAM Eagle for the preferred ship mortgage on Credit Suisse's in personam claim, with SAM Eagle to receive a credit for the amount that Credit Suisse receives from the res as reimbursement for the preferred ship mortgage on the in rem claim.

ORDERED this 4th day of March, 2021.


NELVA GONZALES RAMOS
UNITED STATES DISTRICT JUDGE